



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/046,131

10/21/2001

Francisco M. Galanes

M61.12-0393

9228

27366

7590

11/28/2005

WESTMAN CHAMPLIN (MICROSOFT CORPORATION)
SUITE 1400 - INTERNATIONAL CENTRE
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402-3319

EXAMINER

LERNER, MARTIN

ART UNIT

PAPER NUMBER

2654

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,131

Applicant(s)

GALANES ET AL.

Examiner

Martin Lerner

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 to 56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 to 56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1 to 46 and 52 to 56 are rejected under 35 U.S.C. 102(a) as being anticipated by *Ladd et al.* ('336).

Regarding independent claims 1, 12, and 23, *Ladd et al.* ('336) discloses:

“a first set of visual controls having attributes for visual rendering on the client device” – displayed information from a service provider includes text and graphics (column 1, lines 36 to 44); a network access apparatus provides information to a user as human readable data, textual information, graphical or image data (column 3, lines 40 to 57; column 4, lines 54 to 56: Figure 1); text formats are provided in a standard HTML<FORM> text (column 20, lines 20 to 28); HTML<FORM> text is an attribute in HTML for displaying text (“attributes for visual rendering on the client device”); a network access apparatus 102 is a client connected to servers on content providers 106 (column 2, lines 19 to 47: Figure 1);

“a second set of controls having attributes related to at least one of recognition and audibly prompting, the second set of controls are selectively associated with the

Art Unit: 2654

first set of controls” – a voice browser receives markup language audio samples (column 12, lines 7 to 14; Figure 4); a voice browser defines attributes for a markup language document including volume pitch, and reprompt (column 12, line 25 to column 13, line 40); a markup language includes attributes for prompts and receiving inputs for recognition (column 17, line 35 to column 18, line 55); implicitly, markup language for displayed text or graphics (“the first set of controls”) corresponds to (“using” or “selectively associated with”) markup language for voice prompts (“the second set of controls”) in a text-to-speech unit.

Regarding independent claim 52, *Ladd et al.* ('336) further discloses website applications (column 3, line 6 to column 4, line 3).

Regarding claims 2 to 4, 13 to 15, and 24 to 26, *Ladd et al.* ('336) discloses attributes for grammars (column 13, lines 6 to 10), and retrieving grammars from database locations (column 12, lines 7 to 14; column 14, lines 18 to 28) for speech recognition.

Regarding claims 5 to 6, 16 to 17, and 27 to 28, *Ladd et al.* ('336) discloses HTML and XML (column 20, lines 20 to 27; column 38, lines 18 ff.).

Regarding claims 7 to 8, 18 to 19, and 29 to 30, *Ladd et al.* ('336) discloses attributes for converting text to speech by controlling volume, pitch, and range (column 12, lines 46 to 49; column 18, lines 50 to 55).

Regarding claims 9 to 11, 20 to 22, and 31 to 33, *Ladd et al.* ('336) discloses determining an address for playing a prompt to a user (column 13, line 66 to column 14,

Art Unit: 2654

line 17: Figure 5a: Steps 400, 402, 406); both recorded sound samples (column 15, line 63) and text to speech (TTS) (column 16, lines 11 to 20) are provided.

Regarding claims 34 and 53, *Ladd et al.* ('336) discloses a markup language for text to speech; implicitly, when the text is displayed and the speech is produced for an audible prompt, there is an association of attributes between visual controls and audible controls.

Regarding claims 35 to 37, *Ladd et al.* ('336) discloses an option list in a markup language for controlling which choices are available at a network access apparatus (column 28, lines 9 to 60).

Regarding claim 38, *Ladd et al.* ('336) discloses a FORM input to collect an order in response to a prompt, and post the input to an address (column 20, lines 20 to 46); thus, a markup language controls a prompt, then activates an input, and then performs a post operation.

Regarding claims 39 to 43 and 54, *Ladd et al.* ('336) discloses a markup language for generating an audible prompt of a question and a grammar for an answer; an answer is followed by, and is activated, a question prompt, where an answer is bound for recognition by <INPUT TYPE> (column 18, lines 40 to 55); a post operation is "an event related to operation of binding" (column 20, lines 28 to 46).

Regarding claims 44 to 46 and 55 to 56, *Ladd et al.* ('336) discloses a markup language for re-prompting ("repeating an audible prompt") (column 14, line 57 to column 15, line 16: Figure 5a: Steps 416, 425) and an attribute for confirming a recognition result (column 15, lines 45 to 54: Figure 5a: Step 452).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 47 to 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ladd et al.* ('336) in view of *WCW Working Draft* ("*Grammar Representation Requirements for Voice Markup Languages*").

Ladd et al. ('336) discloses a confirmation control to accept an answer as a recognized result that is correct (column 15, lines 44 to 59; Figure 5b: Step 456). Lack of confirmation implicitly denies a recognized result, whereupon the process continues to replay a prompt for a current step so as to correct a recognition result. (Figures 5a and 5b: Step 446) However, *Ladd et al.* ('336) omits an attribute related to a confidence level for confirming, accepting or denying, and correcting a recognition result. *WCW Working Draft* teaches grammars for voice markup languages with attributes, where confidence scoring tightens or relaxes the normal rejection constraints to provide content based control of performance. (Sections 4.3 and 5.1) It would have been obvious to one having ordinary skill in the art to provide confidence scoring as taught by *WCW Working Draft* in the voice browser for interactive services of *Ladd et al.* ('336) for the purpose of tightening or relaxing rejection constraints to provide content based control of performance.

Response to Arguments

5. Applicants' arguments filed 14 October 2005 have been fully considered but they are not persuasive.

Firstly, Applicants argue that only limitations of independent claim 23 were considered by the rejection, and limitations of independent claims 1 and 12 were not addressed.

However, it is contended that independent claim 23 is the narrowest of the three independent claims, and representative of the limitations of independent claims 1, 12, and 23. There are only minor differences between independent claims 12 and 23. Independent claim 12 says that the second set of controls are "using at least one of the first set of controls", and independent claim 23 says that the second set of controls "are selectively associated with the first set of controls." Practically speaking, if a second set of controls uses a first set of controls, then the second set is also associated with the first set of controls. Moreover, independent claim 23 encompasses the limitations of independent claim 1 insofar as the former sets forth the limitations of a first set of attributes for visual rendering and a second set of attributes for recognition or audible prompting. Thus, if independent claim 23 is anticipated, then independent claims 1 and 12 are anticipated, too.

Secondly, Applicants discuss their claimed computer readable medium as including "a server size plug-in module 209 for generating client side markup for a client in a client/server system. . . ."

However, it is noted that a server side plug-in module is not claimed. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Thirdly, Applicants argue that *Ladd et al.* ('336) fails to anticipate the claimed invention of a set of controls for rendering, where each control has a first set of attributes related to visual rendering and a second set of attributes related to either recognition or audible prompting. Applicants say that *Ladd et al.* ('336) describes a voice browser for interactive services, but that none of the citations are directed to a markup language server. Applicants say that independent claim 1 preambularly recites instructions for generating client side markup. This position is not persuasive.

Ladd et al. ('336) meets the limitations of independent claims 1, 12, and 23 because a voice browser includes controls for visual rendering and a related set of controls for recognition or audible rendering. Those skilled in the art would know that an HTML standard produces a visual web page having selectable links that are displayed on a computer screen, where the selectable links are selectable by a computer mouse. HTML provides for links on a web page that are displayed and selectable by a computer mouse, corresponding to "controls having attributes for visual rendering." Moreover, a voice browser includes links on the web page that are selectable through voice commands recognized by a speech recognizer, as well. Generally, a voice browser produces audio output through synthesized speech or by reproduced audio files. VXML provides a standard where links are selectable through voice commands and audio is

Art Unit: 2654

output through reproduced audio files by providing an incorporation of voice features into a markup language of a web page. Thus, VXML provides for links that are displayed on a web page and selectable by speech recognized commands and provide audio output of spoken links, which correspond to “controls having attributes for at least one of recognition and audibly prompting.” A VXML standard provides an association between visual and audio controls because both are concerned with providing a means for selecting identical links from a web page displayed on a computer screen. Similarly, a VXML standard provides for audio controls “using at least one of” the visual controls because selecting a link through speech recognition produces the same result as selecting a link through a computer mouse.

Ladd et al. ('336) discloses an example of a markup language for voice (VXML) in Figure 6. A user is audibly prompted, “What meal would like to hear the specials.” A user can then provide voice input for “breakfast”, “lunch”, or “dinner”. If a user provides input by speaking the word “breakfast”, then the markup language produces a prompt saying, “Our breakfast special is green eggs and ham.” However, a user could also select a visual link from a web page to select “breakfast”, “lunch”, or “dinner” as an option for finding specials as displayed by a markup language for text (HTML). *Ladd et al.* ('336)'s markup language has elements on both a client and a server in a client/server architecture because a web page is downloaded from a server to a client over the Internet.

Fourthly, Applicants say that independent claim 12 sets forth “the second set of controls using at least one of the first set of controls”, and independent claim 23 sets

Art Unit: 2654

forth that the second set of controls "is selectively associated with" the first set of controls. Applicants maintain that *Ladd et al.* ('336) does not meet these features, as disclosed by the Specification.

However, it is maintained that the limitations of "using" and "selectively associated" from independent claims 12 and 23, respectively, are vague, and, thus, should be broadly interpreted. During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969) Generally, VXML uses voice to interact with visual links on a web page, where the links are also selectable by a mouse. It is maintained that the feature of VXML permitting a user to interact with a web page either through a mouse or through voice commands meets the limitations of selecting visual controls and attributes "using" audio control and attributes, or visual controls and attributes "selectively associated" with audio controls and attributes. Any distinction between attributes and controls are met by a markup language because controls produce prompts and permit input, while attributes relate to how options are formatted in a syntax of a markup language, e.g. an "option next" attribute or "step name" attribute of Figure 6.

Therefore, the rejection of claims 1 to 46 and 52 to 56 under 35 U.S.C. 102(a) as being anticipated by *Ladd et al.* ('336), and of claims 47 to 51 under 35 U.S.C. 103(a) as being unpatentable over *Ladd et al.* ('336) in view of *WCW Working Draft*, are proper.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone

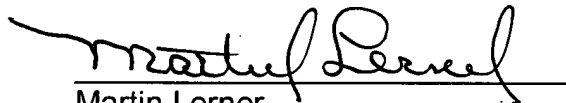
Art Unit: 2654

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML

11/22/05

A handwritten signature in black ink, appearing to read "Martin Lerner", written over a horizontal line.

Martin Lerner
Examiner
Group Art Unit 2654